

REMARKS

In the Office Action dated March 15, 2004, the Examiner objected to claim 2 due to insufficient antecedent basis of the element "first insertion slot." Claim 2 was also rejected under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Claims 1-3 were rejected under 35 U.S.C. § 102(b) as anticipated by Japanese Patent No. 10-283450 to *Kobayashi*. Finally, claims 1-3 were also rejected under 35 U.S.C. § 102(b) as anticipated by Japanese Patent No. 11-095869 to *Yamamoto*.

By the present Amendment, Applicant amends claims 1 and 2 to more appropriately claim the invention and cancels claim 3, without prejudice or disclaimer of the subject matter thereof. No new matter has been added by these amendments. As a result of this Amendment, claims 1 and 2 remain pending. Applicant respectfully submits that present claims 1 and 2 are allowable over the cited references for at least the following reasons.

Objection of claim 2

The Examiner objected to claim 2 due to the insufficient antecedent basis of the limitation "first insertion slot." By this Amendment, Applicant has deleted the phrase "first insertion slot" from claim 2. Thus, the objection to claim 2 is now moot. Therefore, Applicant requests that the objection to claim 2 be withdrawn.

Section 112 Rejections

Claim 2 was also rejected under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. By this Amendment, Applicant has amended claim 2 to fully comply with 35 U.S.C. §112, second paragraph. Therefore, Applicant requests that the section 112 rejections of claim 2 be reconsidered and withdrawn.

Section 102(b) Rejections

The section 102(b) rejection of claim 3 is now moot because Applicant has canceled this claim.

To properly anticipate claims 1 and 2 under 35 U.S.C. §102(b), *Kobayashi* and *Yamamoto*, each individually, must disclose each and every element recited in the claims. M.P.E.P. § 2131.01 (8th ed. 2001, revised February 2003). *Kobayashi* and *Yamamoto*, each individually, fails to disclose each and every element of claims 1 and 2, so the rejections under section 102(e) should be reconsidered and withdrawn.

Kobayashi discloses an impact resistant structure for PC card. *Kobayashi*, English language Abstract. *Kobayashi*'s protective member 11 is directly attached to card 10. *Kobayashi*, *id.* Further, in *Kobayashi*, a user has to attach a protective member to each card. Once a protective member is attached to a card, it remains with the card, even when the card is inserted, withdrawn, or exchanged, until a user removes it.

In contrast, in the present invention, the apparatus performs its protection function merely by having a card inserted into the apparatus. In other words, a user only has to insert a card without making any efforts. Therefore, the apparatus of the instant invention is advantageous to a large extent in terms of operability. Furthermore, since the protective member in the present invention functions as a guide rail, it does not become an obstacle when a card is inserted. Rather, the protective member facilitates the insertion of a card.

Yamamoto discloses a holding structure for a memory card. *Yamamoto*, English language Abstract. *Yamamoto*'s structure prevents an inserted memory card from being loosened. *Yamamoto, id.* *Yamamoto*'s holding structure has a door with a hook. After a user inserts a card and closes a door, the door hook pressing on the card keeps the card in its place. *Yamamoto id.*

In contrast, the apparatus of the present invention performs its protective function merely by being mounted with a card. In other words, after a card is mounted in the apparatus, a user does not need to close any doors.

Present claim 1 recites, among other things, "a unit which is arranged in the body, wherein the unit comprises a card receiver which receives a card, and a protective member which protects part of the card that projects from the card receiver when the card receiver receives the card."

Applicant respectfully submits that nowhere does *Kobayashi* or *Yamamoto*, each individually, discloses at least "a unit which is arranged in the body, wherein the unit

comprises a card receiver which receives a card, and a protective member which protects part of the card that projects from the card receiver when the card receiver receives the card," as recited in present claim 1 for the following reasons.

Contrary to the Examiner's assertion, *Kobayashi*'s protective member 11 which protects a projecting part of card 10 is not arranged in the body. In contrast, as shown in Figs. 3, 7, and 11, *Kobayashi*'s protecting member 11 is located outside of the main unit 1, not arranged in its body. For at least these reasons, *Kobayashi* fails to disclose each and every element recited in present claim 1. Therefore, Applicant respectfully requests the reconsideration and withdrawal of the section 102(b) rejection of claim 1.

Similarly, contrary to the Examiner's assertion, *Yamamoto* also fails to disclose each and every element recited in present claim 1. More specifically, *Yamamoto*'s turning door 2 is also located outside of engaging part 1 and is not arranged in its body. For at least these reasons, *Yamamoto* fails to disclose or suggest each and every element recited in present claim 1. Therefore, Applicant respectfully requests the reconsideration and withdrawal of the section 102(b) rejection of claim 1.

Present claim 2 depends from allowable claim 1. For at least the reasons given above with respect to independent claim 1, *Kobayashi* and *Yamamoto*, each individually, fails to disclose or suggest each and every element recited in present claim 1. Therefore, Applicant respectfully requests the reconsideration and withdrawal of the section 102(b) rejections of claim 2.

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In view of the foregoing remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of pending claims 1 and 2.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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